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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,488	06/28/2004	Clemens Kujawski	3717483-00021	4524

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EXAMINER	
TORRES, MARCOS L	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
05/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/500,488	KUJAWSKI, CLEMENS	
	Examiner	Art Unit	
	MARCOS L. TORRES	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 February 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2-12-2010 have been fully considered but they are not persuasive.

2. Applicant's representative [hereinafter applicant] arguments "This synchronization between voice help and illumination help is simply not contemplated by Swanson or Glatzer alone or in combination. Swanson only teaches audio help, and Glatzer only teaches visual help. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As shown in the arguments and the rejection of record Swanson teaches audio help, Glatzer teaches visual help and Lilienthal teaches using the combination of audio and visual. Therefore, the combination of the reference would bring an audiovisual help at the same time.

3. Regarding applicant's argument that Lilienthal does not disclose any help, it is noted that already Swanson and Glatzer disclose the help information. Lilienthal is only being relied to teach the combination of audio and visual at the same time. Thereby, combining Swanson's audio with Glatzer's visual help at the same time and helping the user to perform the desired task.

4. The rest of the arguments they fall for the same reasons as shown above. The current rejection in record stands.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 5-6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawson US 20020141549A1 in view of Glatzer US 20050078090A1 and further in view of Lilienthal 6933928.

As to claim 5, Sawnson discloses a method for outputting help information on a mobile radio device, comprising the steps of: receiving a help signal during a partial execution of a mobile radio device function (see fig. 5, item 105; par. 0039, 0047); processing the help signal in response to a request for help in relation to the partially executed function; generating a voice output indicative of help associated with mobile

radio function in response to the processing, the voice occurring a particular time (see fig.5, item 103,105; par. 0036, 0047-0051). Swanson does not specifically disclose one or more signals that effect a visual change on at least one of a plurality of buttons of the mobile radio device. In an analogous art, Glatzer discloses one or more signals that effect a visual change on at least one of a plurality of buttons of the mobile radio device (see par. 0001, 0046-0055). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings to provide a fast and simple way to indicate available buttons, thereby helping the user (see par. 0001 of Glatzer). The above references do not specifically disclose both the audio and video occurring at the particular time. In another analogous art, Llienthal discloses both the audio and video occurring at the particular time (see col. 3, lines 42-50). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to synchronize the audio and visual help so the user can easily recognize the information.

As to claim 6, Swanson discloses everything as explained above except for the method wherein the visual change is the illumination of the at least one button at a level that is different from the plurality of buttons. In an analogous art, Glatzer discloses the method wherein the visual change is the illumination of the at least one button at a level that is different from the plurality of buttons (see par. 0001, 0046-0055). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings to provide a fast and simple way to indicate available buttons, thereby helping the user (see par. 0001 of Glatzer).

As to claim 8, Swanson discloses everything as explained above except for the method wherein the visual change is a turning off of the at least one button. In an analogous art, Glatzer discloses the method wherein the visual change is a turning off of the at least one button (see par. 0047-0050). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings to provide a fast and simple way to indicate available buttons, thereby helping the user (see par. 0001 of Glatzer).

As to claim 9, Swanson discloses method wherein voice output is generated from a help text via a speaker in the mobile radio device (see par. 0036, 0047-0051).

8. Claims 7 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Sawson in view of Glatzer and further in view of Lilienthal as applied to claim 5 above, and further in view of Hull US006720863B2.

As to claim 7, Sawanson and Glatzer disclose everything as explained above except for the method, wherein the visual change is a repeated illumination of the at least one button. In an analogous art, Hull discloses the method, wherein the visual change is a repeated illumination of the at least one button (see col. 5, lines 35-38; col. 6, lines 1-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to repeat the illumination for the simple and quick indication of the available keys or choices.

As to claim 10, Sawanson disclose a device function that is being partially executed (see fig. 5). Swanson and Glatzer do not specifically disclose the method wherein the help is generated in a predetermined sequence. In an analogous art, Hull

discloses the method wherein the help information is generated in a predetermined animation sequence (see col. 11, lines 3-8). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to animate the keys for the simple and quick indication of the keys function.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Marcos L Torres/
Examiner, Art Unit 2617